IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3864 of 2005

Between:

B. Bharathi W/o. B. Pentaiah
R/o. 1-7-935/3, Ramnagar, Hyderabad-48.

... PETITIONER

AND

1 The Mandal Revenue Officer, Quthbullapur Mandal, Ranga Reddy District.
2 The Commissioner, Quthbullapur Municipality,
Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of MANDAMUS, declaring the action of the 1st respondent in interfering with and in preventing construction activity over the petitioner's land covered by premises bearing No. 37/319, Jagathgirigutta, Quthbullapur Village & Mandal, Ranga Reddy District, as illegal, arbitrary and without jurisdiction and consequently direct the 1st respondent to refrain from doing so and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr.POLISETTI RADHAKRISHNA

The Court at the stage of admission made the following:

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ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue appearing for the first respondent and the learned standing counsel appearing for the second respondent-Municipality.

The petitioner claims to be the owner of the premises bearing No.37-319 situated at Jagathgirigutta, Quthbullapur Village and Mandal, Ranga Reddy District, having purchased the same under a registered sale deed dated 23-04-1997. It is stated that there is a small room existing in one corner of the said plot and the said land is purely a private land located in a slum area. Since the petitioner wanted to construct a residential house, she paid betterment charges to the second respondent-Commissioner, dated 24-02-2005 and after obtaining the necessary water connection, by paying the requisite charges to the Hyderabad Metro Water Supply and Sewerage Board, who has sanctioned the same after conducting inspection on 10-12-2004, the petitioner started construction in the said land. While so, the officials of the first respondent-Mandal Revenue Officer visited the site on 21-02-2005 and directed the petitioner not to proceed with the construction. The petitioner contends that there is absolutely no justifiable reason for interfering with the construction being made by her, since she has already paid the requisite betterment charges as required under the statute and she is entitled to proceed with the construction.

Having heard the learned counsel for the petitioner and the learned counsel appearing for the respondents, I am of the view that in case the petitioner is not entitled to proceed with the constructions for any reason, the respondents ought to

have informed the same to her and after affording an opportunity to explain the objections if any, they can take the necessary action in accordance with law. Without following such procedure the respondents cannot interfere with the possession of the petitioner. Accordingly, the writ petition is disposed of with a direction to the respondents not to interfere with the constructions being made by the petitioner in the land in question, without following due process of law. It is made clear that in case there is any specific objection, this shall not preclude the respondents to communicate the same to the petitioner and to take necessary action in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 01-03-2005

LSK

ASSISTANT REGISTRAR

To

1 The Mandal Revenue Officer, Quthbullapur Mandal, Ranga Reddy District.
2 The Commissioner, Quthbullapur Municipality,
Ranga Reddy District.

3 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(O.U.T.)

4 Two C.D. copies.